THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1592 OF 2005

Date: 05-09-2005

Between:

M/s Fly Wheel Travels …Appellant

And

Bharat Sanchar Nigam Limited and

Another …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1592 OF 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

The writ petitioner/appellant filed the writ petition with a prayer to issue a Writ of Mandamus declaring the proceedings of cancellation of his tender as illegal, arbitrary and unenforceable. There was another consequential order by which the writ petitioner had been blacklisted. This order was also challenged. The learned Single Judge allowed the writ petition to the extent of setting aside the order of blacklisting the writ petitioner, but the cancellation of his tender was upheld. We are

told at the Bar that after cancellation of the tender of the writ petitioner, fresh tenders were called for and agreements have already been entered into with the successful tenderers. Therefore, at this stage, it is not possible for this Court to grant any relief to the writ petitioner as far as cancellation of his tender is concerned. Since the order relating to blacklisting of the writ petitioner has been set aside by the learned Single Judge, Mr.R.S.Murthy, learned counsel for the respondents submits that the writ petitioner could have participated in the fresh tender process. Obviously, the writ petitioner could not have done so, because he was blacklisted in December, 2004 and the judgment of this Court came only in June, 2005, whereas fresh tenders were called for somewhere in March, 2005.

In this view of the matter, we dispose of this writ appeal giving liberty to the writ petitioner/appellant to take any appropriate legal remedies, which may be available to him in law. No order as to costs.

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(Bilal Nazki, ACJ)

5th September, 2005

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(R.Subhash Reddy,J)

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